
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u>
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	<u>Date Issued</u> December 2012

Subject:

Appendix A – 2012 Chaptered Legislation
Community Care Facilities
Children's Residential

Reason for Change:

This document transmits summaries of legislation chaptered in 2012 affecting Community Care Facilities, Children's Residential.

Filing Instructions:

INSERT – 2012 Chaptered Legislation. Do not remove similar documents from the previous years.

Approved:

Original Document Signed by
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12/27/12

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**SUMMARY AND IMPLEMENTATION PLANS
2012 CHAPTERED LEGISLATION
COMMUNITY CARE FACILITIES
CHILDREN'S RESIDENTIAL**

BILL NUMBER/AUTHOR	SUBJECT	PAGE
ACTION REQUIRED		
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<p>Unless otherwise noted, all new legislation becomes effective on January 1, 2013. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.</p>

ACTION REQUIRED

Assembly Bill 1712 (Beall), Chapter 846, Statutes of 2012 and Senate Bill 1013 (Committee on Budget and Fiscal Review), Chapter 35, Statutes of 2012

Affects: Community Treatment Facilities, Foster Family Agencies (Certified Family Homes), Foster Family Homes, Group Homes, Small Family Homes, and Transitional Housing Placement Programs

Subject: Minors and nonminor dependents: out-of-home placement and Child welfare services: realignment.

Summary: Assembly Bill (AB) 1712 and the trailer bill Senate Bill (SB) 1013 are follow up bills to AB 12 (Chapter 559, Statutes of 2010), which aligned California law to comport with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). These bills amend the Health and Safety Code (Health & Saf. Code) and Welfare and Institutions Code (Welf. & Inst. Code) as follows.

SB 1013. This bill:

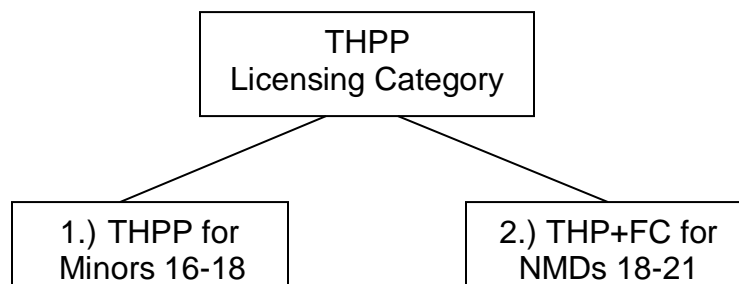
- Extends the eligibility of a nonminor dependent (NMD) who has been receiving support past age 18 in 2012, who reaches age 19 before or during 2013, or who reaches age 20 before 2014 to remain in foster care, permitting support up to and including age 21 (Welf. & Inst. Code, § 11400(v)(1)).
- Transfers responsibility for Transitional Housing Placement Plus Foster Care (THP+FC), originally a county-administered program for NMDs, to the Community Care Licensing Division (CCLD) (Health. & Saf. Code, §§ 502(a)(12), 1559.110(a); Welf. & Inst. Code, §§ 11403.2(a)(1), 16522(c)(2), 16522.1(a)(2)).
- Requires a Transitional Housing Placement Provider be privately operated and organized on a nonprofit basis (Health & Saf. Code, § 1502(a)(13); Welf. & Inst. Code, § 11400(r)(1)).
- Permits a minor foster child to be placed in a remote site housing model if the child is placed before October 1, 2012, after which this model shall only be available for the placement of a NMD (Health & Saf. Code § 1559.110(c)(3) & Welf. & Inst. Code § 16522(d)(3)).
- Expands the definition of "Whole Family Foster Home" to include a host family home placement (Welf. & Inst. Code § 11400(t)).

AB 1712. This bill:

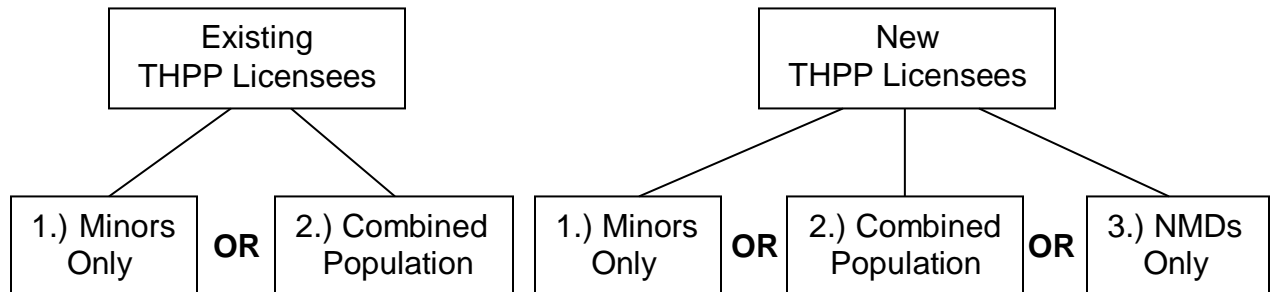
- Clarifies that transitional housing placement provider certification prior to licensure is to be provided by the “applicable county” (Health & Saf. Code, § 1559.110(a)(1); Welf. & Inst. Code, § 11400(r)(2)).
- Requires that a transitional housing placement provider have a staffing ratio of case manager to client of no more than 1:12 for minors and NMDs. This staffing ratio is to be effective January 1, 2013 for minors in a THPP and to NMDs in a THP+FC program (Health & Saf. Code, § 1559.110(d)(2)C); Welf. & Inst. Code, §§ 16522(f)(3), 16522.1(b)(13) and (c)(5)).
- Becomes effective on January 1, 2013.

Implementation:

- Licensing Program Analysts (LPAs) are advised that the inclusion of NMDs in foster care will continue to be phased in over three years, but is extended to age 21. A children’s residential community care facility (CCF) may retain, or accept, without an age exception or waiver, NMDs who are currently age 18; who turn 19 before January 1, 2013; who turn 20 before January 1, 2014; and who turn 21 before January 1, 2015. After January 1, 2015, a children’s residential CCF may retain, or accept, NMDs up to and including age 21.
- CCLD shall use the THPP licensing category as an umbrella under which transitional housing placement providers are licensed to provide: 1.) a THPP for minors ages 16 to 18 and/or 2.) a THP+FC program for NMDs.



- A transitional housing placement provider licensed as a THPP before SB 1013 was chaptered into law June 27, 2012 may be licensed to provide services to: 1.) minors only in a THPP or 2.) a combined population that includes both minors in a THPP and NMDs in a THP+FC program.
- A new transitional housing placement provider licensed after SB 1013 was chaptered into law June 27, 2012 shall be licensed as a THPP and may be licensed to provide services to: 1.) minors only in a THPP; 2.) a combined population of minors in a THPP and NMDs in a THP+FC program; or 3.) NMDs only in a THP+FC program.



- CCLD licensing of existing and new transitional housing placement providers as THPPs shall proceed as follows:

Existing THPP Licensees

- 1.) A transitional housing placement provider that will continue to provide services to minors only in the THPP shall not be required to update its THPP license.
- 2.) A transitional housing placement provider that will continue to provide services to minors in the THPP and expand its programs to provide services to NMDs in a THP+FC program shall be required to update its THPP license in order to serve NMDs. The provider shall:
 - a.) Obtain THP+FC certification from the applicable county. The county that certifies the administrative office of the transitional housing placement provider may also certify each sub-administrative office of the provider.
 - b.) Submit its Plan of Operation, in accordance with the California Code of Regulations (CCR), Title 22, Section 86022, Plan of Operation, and AB 12 Interim Licensing Standards, Section 86122, Plan of Operation, to reflect the provision of services to NMDs.
 - c.) Submit a new application for a Community Care Facility License (LIC 200) to the appropriate CCLD Regional Office to indicate that it will serve NMDs.
- 3.) A transitional housing placement provider that will discontinue providing services to minors only in the THPP and provide services to NMDs only in a THP+FC program shall be required to update its THPP license to serve NMDs. The provider shall be required to comply with Section (2)(a) through (c) above.

New THPP Licensees

- 1.) A new transitional housing placement provider that will provide services to minors only in a THPP shall be required to submit documents required for a THPP license as specified in the CCR, Title 22, Sections 86018, Application for Licensure and 86022, Plan of Operation.
- 2.) A new transitional housing placement provider that will provide services to minors in a THPP and provide services to NMDs in a THP+FC program shall be required to submit documents required for a THPP license as specified in Section (1) above and submit documents needed for licensure to provide a THP+FC program as specified in Section (2)(a) through (c) under Existing THPP Licensees, above.
- 3.) A new transitional housing placement provider that will provide services to NMDs only in a THP+FC program shall be required to submit documents required for a THPP license to provide a THP+FC program as specified in Section 2.) a.) through c.) under Existing THPP Licensees, above.

When updating an existing THPP license or issuing a new THPP license, LPAs shall ensure that the comments section of the license indicates whether the provider provides services to: 1.) minors in a THPP and the number of beds for those minors; 2.) minors in a THPP and NMDs in a THP+FC program; or 3.) NMDs in a THP+FC program.

LPAs may also refer to the CDSS All County Letter No. 12-44, Transitional Housing Placement-Plus-Foster Care and Changes To Transitional Housing Placement Program and Transitional Housing Program-Plus sections titled "Process to Become a New Transitional Housing Placement Provider to Operate a THP+FC Program" or "Process to Expand Existing THPP to Include THP+FC" for more information.

- Until regulations are further developed regarding health and safety standards for minors and NMDs, all existing health and safety standards and regulations for the THPP licensing category shall apply. The CCR, Title 22, THPP regulations shall apply to providing services to minors in a THPP. The AB 12 interim licensing standards for THPP shall apply to a THP+FC program. LPAs shall cite regulations and statute accordingly.
- As of October 1, 2012, new placements of minors in remote site models are prohibited. If LPAs find minors in remote site models who have been newly placed on or after October 1, 2012, LPAs shall cite under Health. & Saf. Code § 1559.110(c)(3) and Welf. & Inst. Code § 16522(d)(3) and notify in contacting the person or agency responsible for placing the minor so that other appropriate placement arrangements can be made.
- Beginning on January 1, 2013, CCLD shall require THPP licensees to have a staffing ratio of case manager to client of no more than 1:12 for minors in a THPP

and for NMDs in a THP+FC program. If these staffing ratios are not in place, LPAs shall cite under Welf. & Inst. Code § 16522.1(b)(13) for minors and Welf. & Inst. Code § 16522.1 (c)(5) for NMDs.

- Regulations, as well as applicable revisions to forms and the Evaluator Manual, will follow.

ACTION REQUIRED

AB 1472 (Committee on Budget), Chapter 25, Statutes of 2012

Affects: Adult Residential Facilities and Group Homes

Subject: Committee on Budget. Developmental Services.

Summary: Assembly Bill 1472, effective June 27, 2012, amended SEC. 3. Section 1531.1 of and added SEC. 4. Section 1531.15 to the Health and Safety Code.

Note: This section shall become operative only upon the filing of emergency regulations by the State Department of Developmental Services (DDS). Regulations have not been filed and field operations will be notified, in writing, when these regulations have been promulgated.

Secured perimeters (fences) may be used in facilities with more than six residents if the facility is operating in accordance with Section 1531.15, but may not be substituted for adequate staff.

A licensee of an adult residential facility or group home with no more than 15 residents, who are regional center consumers who are eligible for federal Medicaid funding, and are using delayed egress devices in accordance with Section 1531.1, may use secured perimeters.

A child, who is at least 10 years old, but less than 14 years old, may be placed in a group home using secured perimeters if both of the following occur:

- A comprehensive assessment is conducted and an individual program plan (IPP) meeting is convened to determine the services and supports needed for the child to receive services in a less restrictive, unlocked residential setting in California and the regional center requests assistance from DDS to identify options to serve the child in a less restrictive, unlocked residential setting in California.
- A regional center requests placement of a child in a group home using secured perimeters to prevent out-of-state placement or placement in a more restrictive, locked residential setting, and DDS approves the request.

The child may not be a foster child under the jurisdiction of the juvenile court pursuant to Section 300, 301 or 602 of the Welfare and Institutions Code (WIC).

The IPP shall have determined that the person lacks hazard awareness or impulse control and requires the level of supervision afforded by a facility using secured perimeters, or the person would be at risk or have no option but to remain in more restrictive placement.

The licensee shall be subject to all applicable fire and building codes, regulations, and standards, and shall receive approval by the county or city fire department, the local fire prevention district, or the State Fire Marshal for the installation of the secured perimeter.

The licensee shall provide staff training regarding the use and operation of the secured perimeter, protection of residents' personal rights, lack of hazard awareness and impulse control, and emergency evacuation procedures.

The licensee shall revise the facility plan of operation and shall have it approved by DDS prior to use of the secured perimeter. The Department of Social Services (DSS) shall not approve the revised plan of operation until the licensee provides certification of DDS approval.

The plan of operation shall include, but is not limited to, the following descriptions:

- How the facility is to be equipped with secured perimeters consistent with regulations adopted by the State Fire Marshal pursuant to Health and Safety Code Section 13143.6.
- How the facility will provide staff training.
- How the facility will protect the residents' personal rights consistent with Sections 4502, 4503 and 4504 of the Welfare and Institutions Code and any applicable Title 22 Regulations.
- How the facility will manage residents' lack of hazard awareness and impulse control behavior.
- Facility's emergency evacuation procedures.

Emergency fire and earthquake drills shall be conducted on each shift in accordance with existing regulations, and shall include all staff on each shift that provide resident care and supervision.

The facility shall provide interior and exterior space for clients to move safely and freely.

The licensee shall not be required to obtain a waiver or exception to a regulation that would otherwise prohibit the locking of a perimeter fence or gate.

Implementation: This statute became effective on June 27, 2012. However, this section shall become operative only upon the filing of emergency regulations by the State Department of Developmental Services (DDS).

Enforcement Procedures: In the event Health and Safety Code Section 1531.15 has become operative and the facility has installed and is utilizing secured perimeters, and the requirements listed above have not been met, the Licensing Program Analyst shall cite the licensee according to the applicable Title 22 Regulation(s) and/or statutes(s) in the Community Care Facilities Act.

In the event Health and Safety Code Section 1531.15 has not become operative, a facility (with the exception of a Community Treatment Facility) may not utilize secure

perimeters. The Licensing Program Analysts shall cite for the violations according to the applicable Title 22 Regulation(s) and/or statute(s) in the Community Care Facilities Act.

ACTION REQUIRED

Assembly Bill 1856 (Ammiano), Chapter 639, Statutes of 2012

Affects: Foster Family Agencies (FFA), Certified Family Homes, Foster Family Homes (FFH), Group Homes (GH), Community Treatment Facilities (CTF), Small Family Homes and Transitional Housing Placement Programs (THPP)

Subject: Foster care services; cultural competency

Summary: AB 1856 amends the existing training requirements for group home (GH) administrators and certified and licensed foster parents in the Health and Safety Code and amends the personal rights of foster children in the Welfare and Institutions Code as follows:

- Adds an additional training element to the Uniform Core of Knowledge 40 hour group home administrator certification training, to include instruction on cultural competency and sensitivity relating to, and best practices for, lesbian, gay, bisexual, and transgender (LGBT) youth. (Health & Safety (H&S) Code § 1522.41(c)(1)(l).)
- Requires a group home administrator to successfully complete a department-approved certification program, which includes the new training on cultural competency, sensitivity, and best practices for LGBT youth, prior to employment. (H&S Code § 1522.41(b)(1).)
- Requires an administrator employed in a group home on the effective date of this section to complete the training and testing requirements imposed by the department within 12 months of the effective date of the regulations implementing this section. (H&S Code § 1522.41(c)(2).)
- Requires licensed and certified foster parent initial 12 hour and annual 8 hour training to include instruction on cultural competency and sensitivity relating to, and best practices for, LGBT youth in out-of-home care. (H&S Code § 1529.2(b)(3)(G) (initial training) and H&S Code § 1529.2(b)(4)(F) (annual training).)
- Adds the following right to the rights of children in foster care: The right of every foster child to have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to LGBT youth in out-of-home care. (Welf. & Inst. Code § 16001.9 (a)(24).)

AB 1856 does not provide a specific number of hours necessary to complete this training.

Implementation:

As of January 1, 2013 Licensing Program Analysts shall be required to check for the following:

Training Requirements

- LPAs shall ensure that group home administrators, foster parents and certified parents of a FFA have the necessary training as specified above. Until regulations are developed, LPAs shall cite a GH pursuant to H&S Code section 1522.41 when a GH administrator is not in compliance, and a FFH or FFA pursuant to H&S Code section 1529.2(b)(3)(G) (initial training) or 1529.2(b)(4)(F) (annual training) when a foster parent is not in compliance.

Personal Rights

- If a foster parent (FFH) or certified parent of a FFA has not received this training then LPAs shall also cite 22 CCR 89372 (a) for violation of the foster child's personal rights and issue a plan of correction.
- Personnel and caregivers who provide care and supervision to children in foster care in Group Homes, Transitional Housing Placement Programs (THPP), Community Treatment Facilities (CTF) and Small Family Homes shall receive instruction on cultural competency and sensitivity relating to, and best practices for, providing care to LGBT youth in out-of-home care pursuant to subdivision (a), subparagraph (24), section 16001.9 of the Welfare and Institutions Code.
 - If a THPP is not in compliance, LPAs shall cite 22 CCR 86072 (d)(23) for violation of the foster child's personal rights and issue a plan of correction.
 - If a CTF is not in compliance, then LPAs shall cite 22 CCR 84172 (b) for violation of the foster child's personal rights and issue a plan of correction.
 - If a Group Home or Small Family Home is not in compliance, LPAs shall cite for violation of the foster child's personal rights pursuant to Welf. & Inst. Code § 16001.9(a)(24) and issue a plan of correction.

Regulations will be developed and applicable revisions to the Evaluator Manual will follow.

ACTION REQUIRED

Assembly Bill 1928 (Cook), Chapter 120, Statutes of 2012

Affects: Foster Family Agencies (Certified Family Homes), Foster Family Homes, and Small Family Homes

Subject: Foster homes: residential capacity.

Summary: Assembly Bill (AB) 1928 requires that a specialized foster family home (FFH) or specialized certified family home (CFH) of a foster family agency (FFA) not exceed a total of six children living in the home. This bill clarifies existing law by adding a section to and amending the Welfare and Institutions Code (Welf. & Inst. Code) as follows:

- Clarifies that no more than two foster children with or without special health care needs shall reside in a specialized FFH or CFH and that a third foster child with or without special health care needs may reside in the specialized home under specified conditions. (Welf. & Inst. Code § 17732(a)(1)(A)-(C).)
- Requires that the individualized health care plan team for each child with special health care needs involved consider the number of adoptive, biological, foster, and guardianship children living in the home when determining that the two foster child limit may be exceeded to permit a third foster child to reside in the home. (Welf. & Inst. Code § 17732(a)(1)(C).)
- Establishes that the licensing agency, when it determines the licensed capacity of a specialized FFH or specialized CFH, consider all adoptive, biological, foster, and guardianship children living in the home, in order not to exceed a total of six children. (Welf. & Inst. Code § 17732.2(a).)
- Maintains that a licensed small family home may exceed the two foster child placement limit and accept foster children with or without special health care needs up to the licensed capacity as specified in Health and Safety Code § 1502(a)(6) if specified conditions are met. (Welf. & Inst. Code § 17732(a)(2).)

Implementation:

- Licensing Program Analysts (LPAs) must consider the number of biological, adoptive, foster, and guardianship children when making a capacity determination for a specialized FFH or when necessary, for a specialized CFH of a FFA. The total number of children that live in the specialized home shall not exceed a total of six children (Welf. & Inst. Code § 17732.2(a)). Since Welf. & Inst. Code § 17732.2(a) clarifies current licensing requirements in the California Code of Regulations (CCR), if more than a total of six children reside in the home, LPAs shall cite the specialized FFH or if a specialized CFH, the FFA,

under CCR, Title 22, Section 89228, Capacity Determination (applicable to specialized FFHs and specialized CFHs).

- LPAs are advised that if more than three foster children with or without special health care needs live in a specialized FFH or CFH, then LPAs shall continue to cite the specialized FFH or if a specialized CFH, the FFA, under CCR, Title 22, Section 89510.1, Limitations on Capacity for Specialized FFHs or CCR, Title 22, Section 88030.1, Limitation on Use of Specialized CFHs.*
- LPAs are advised that if three foster children with or without special health care needs live in a specialized FFH or CFH and the specific conditions for the third child are not met pursuant to current licensing requirements, then LPAs shall continue to cite the specialized FFH or if a specialized CFH, the FFA, under CCR, Title 22, Section 89510.1, Limitations on Capacity for Specialized FFHs or CCR, Title 22, Section 88030.1, Limitation on Use of Specialized CFHs.*
- A revision to the Community Care Licensing Division Information Release No. 2011-01, Foster Family Homes Regulations Questions and Answers, in regard to the capacity of a specialized FFH and specialized CFH will follow.
- Regulations will be revised and applicable revisions to the Evaluator Manual will follow.

*Please note that Section 88030.1, Limitation on Use of Specialized CFHs, requires that capacity be determined pursuant to Section 80028, Capacity Determination. Section 80028(b)(7) requires the consideration of any restrictions pertaining to the specific category of facility. The overall capacity determination requirements for the home as specified in Section 89228, Capacity Determination, continue to apply.

ACTION REQUIRED

Assembly Bill 2343 (Torres), Chapter 256, Statutes of 2012

Affects: All Community Care Facilities (CCF), Residential Care Facilities for the Elderly (RCFE), Residential Care Facilities for the Chronically Ill (RCF-CI) and all Child Care Facilities (CCF)

Subject: Criminal History Information

Summary: AB 2343 amends Sections 11105 and 11105.2 of the Penal Code, relating to criminal history information.

AB 2343 authorizes the Department of Justice (DOJ) to provide subsequent conviction information to CCLD. Previously DOJ provided this information without authority. DOJ ceased this practice in March of 2011.

In addition, this bill requires that CCLD provide an individual a copy of their entire criminal history record if the record is the basis for an adverse employment, licensing or certification decision.

Implementation: These provisions will be effective January 1, 2013. CBCB will revise its processes, the Evaluator Manual and the letters sent to individuals to include this information.

ACTION REQUIRED

Senate Bill 1319 (Liu) Chapter 663, Statutes of 2012

Affects: Crisis Nurseries, Foster Family Agencies, Certified Family Homes, Foster Family Homes, Community Treatment Facilities, and Group Homes

Subject: Child welfare

Summary: Senate Bill (SB) 1319 amends multiple sections of the Health and Safety (H & S) Code and the Welfare and Institutions Code (WIC) pertaining to facilities that house foster children and other at-risk children. Specifically, this legislation does the following:

- Previous law (AB 978 (Benoit) Chapter 291, Statutes of 2008) exempted only certified family homes from all civil penalties. H & S Code section 1530.5 is amended to now exempt both foster family homes and certified family homes from most civil penalties, except those resulting from fingerprint violations and unlicensed care operations. Under SB 1319, foster family homes are no longer subject to immediate civil penalties for any violation of H & S Code section 1548. These violations include:
 - Fire clearance violations
 - Absence of supervision
 - Accessible bodies of water
 - Accessible firearms and/or ammunition
 - Refusal to admit licensing staff into a facility (or any part of a facility)
 - Excluded persons present at a facility
- H & S Code sections 1516 and 1526.8 are amended to repeal the January 1, 2014 sunset dates for crisis nurseries. The repeal of these sunset dates makes crisis nurseries a permanent licensing category.
- WIC section 4094 is amended to repeal the January 1, 2014 sunset date on provisions pertaining to on-call and onsite nursing staff at community treatment facilities.

Implementation:

Effective January 1, 2013, LPAs will no longer be able to assess immediate civil penalties against foster family homes and Foster Family Agencies for violations of their certified family homes for the violations of H & S Code section 1548 listed above. However, LPAs shall still issue citations for such violations. Additionally, LPAs shall assess civil penalties against both foster family homes and Foster Family Agencies for violations of their certified family homes for violations of H&S Code sections 1522 and 1548 for fingerprint violations and unlicensed care operations.

INFORMATION ONLY – NO ACTION REQUIRED

Assembly Bill 1707 (Ammiano), Chapter 848, Statutes of 2012

Affects: All Children's Residential Community Care Facilities (CCF) and all Child Care Facilities (CCF)

Subject: Child Abuse Central Index

Summary: AB 1707 amends Sections 11169 of the Penal Code relating to the Child Abuse Central Index (CACI).

This bill will require the removal of any person listed in the CACI if:

- The person was listed prior to reaching 18 years of age
- The person is listed only once in the CACI with no subsequent listings
- Ten years have lapsed since the date of the incident resulting in the CACI listing

Implementation: These provisions will be effective January 1, 2013.

INFORMATION ONLY - NO ACTION REQUIRED

SB 1381 (Pavley), Chapter 457, Statutes of 2013

Affects: Community Care Facilities: [Community Treatment Facilities, Foster Family Homes, Group Homes, Small Family Homes, Foster Family Agencies (Certified Family Homes), Transitional Housing Placement Programs, Crisis Nurseries, Adult Residential Facilities, Social Rehabilitation Facilities, Adult Day Programs, Adult Residential Facilities for Persons with Special Health Care Needs], Residential Care Facilities for Persons with Chronic Life-Threatening Illness, Residential Care Facilities for the Elderly, Family Child Care Homes and Child Care Centers.

Subject: Mental Retardation: change of term to intellectual disability

Summary: Senate Bill 1381, effective January 1, 2013, changes the term mental retardation to intellectual disability in California Statute. It is the Legislature's intent to increase respect for people with disabilities by eliminating the terms "mental retardation" and "mentally retarded," as they are outdated, offensive, and misleading.

Though this bill does not impact the California Community Care Facilities Act, the Residential Care Facilities for Persons with Chronic Life-Threatening Illness Act, Residential Care Facilities for the Elderly Act or the California Child Day Care Act, this bill amended the Business and Professions Code, Civil Code, Education Code, Government Code, Health and Safety Code, Insurance Code, Penal Code, Probate Code, Vehicle Code, and the Welfare and Institutions Code, relating to intellectual disabilities. The terms "mental retardation" and "mentally retarded person" were replaced with "intellectual disability" and "person with intellectual disability," respectively. This shall not be construed to change the coverage, eligibility, rights, responsibilities, or substantive definitions referred to in the amended provisions.

Implementation: In state regulation, state publication, or other writing, the terms "mental retardation" and "mentally retarded person" shall have the same meaning as the terms "intellectual disability" and "person with intellectual disability," unless the context or an explicit provision of federal or state law clearly requires a different meaning.

If the department has reason to revise or write state regulation, state publications, Internet Web sites, and other writing, it is the intent of the Legislature that the department use the terms, "intellectual disability" and "person with intellectual disability." "Intellectual disability" and "person with intellectual disability" have the same meanings as "mental retardation" and "mentally retarded person" respectively, unless the context or an explicit provision of federal or state law clearly requires a different meaning.